

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE SPECIFICATIONS FOR LIQUEFIED PETROLEUM GAS INTENDED FOR USE IN MOTOR VEHICLES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider an amendment to the "Specifications for Liquefied Petroleum Gas" (LPG), title 13, section 2292.6, California Code of Regulations. The proposed amendment would place final limits on the propene and butane contents of LPG intended for use in motor vehicles.

Date: December 10, 1998

Time: 8:30 a.m.

Place: Board Hearing Room, Lower Level
2020 L Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 8:30 a.m. on December 10, 1998 and may continue at 8:30 a.m. on December 11, 1998. This item may not be considered until December 11, 1998. Please consult the agenda for the meeting, which will be available at least 10 days before December 10, 1998, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact ARB's Clerk of the Board at (916) 322-5594, or TDD (916) 324-9531, or (800) 700-8326 for TDD calls for outside the Sacramento area, by November 25, 1998.

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Sections Affected: Title 13, California Code of Regulations, section 2292.6, "Specifications for Liquefied Petroleum Gas." This section controls the properties of liquefied petroleum gas (LPG or "propane") that is sold commercially for use in motor vehicles in California.

Background. The Board adopted section 2292.6 in 1992, to take effect on January 1, 1993. The Board included a maximum limit of ten percent by volume on the propene content of vehicular LPG. That propene limit was to have declined to five percent on January 1, 1995. However, in 1994, the Board delayed the effective date of the five-percent limit to January 1, 1997. In 1997, the Board again delayed the effective date until January 1, 1999. In the interim, the propene limit is ten percent. The Board adopted the delays out of concerns raised by the vendors of commercial propane (who supply the motor vehicle LPG used in California) that too little of the commercial propane available to them meets the original specifications set by the Board. If that remains true, some current and potential owners of LPG-fueled vehicles would not have a reliable supply of legal fuel.

The LPG specifications also include a maximum limit on butanes and heavier species, combined, of 2.5 percent by volume. This limit also is present in the nationally recognized industrial standard for commercial propane.

When the Board adopted the specifications for vehicular LPG and other alternative fuels, it set essentially identical standards for (1) the fuel sold commercially in California for motor vehicle use, and (2) the fuel used in certification testing of new motor vehicles to determine whether the vehicles comply with the applicable emission standards. The purpose for the commercial fuel specifications is to ensure that motor vehicles certified on LPG will receive in-use fuel having a quality similar to that of the certification fuel, so that the vehicles will achieve their emission standards in use.

Proposed Amendment. The Air Resources Board staff is proposing that the current interim limit of ten percent by volume be retained as the permanent limit for the propene content of LPG sold commercially for use in motor vehicles. Also, the staff is proposing that the butane-and-heavier limit be raised to 5.0 percent by volume.

The staff's proposal follows a test project in which LPGs of various propene and butane contents were tested in a light heavy-duty engine and a light-duty truck. Both test engines meet the currently applicable emission standards for new vehicles or engines. Emissions from the test fuels were compared to emissions from an LPG that met the Board's original permanent specifications for LPG. The project included a test of the performance in the light heavy-duty engine of an LPG meeting the proposed new limits. The test project was carried out at the direction of the Board when it delayed the five-percent propene limit for the second time.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Public Information Office, Air Resources Board, 2020 L Street, Sacramento, California 95814, (916) 322-2990. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below. The Executive Officer has determined, pursuant to Government Code section 11346.2(a), that the proposed regulatory action will affect small business; the proposed regulatory language is written in plain English.

To obtain this document in an alternative format, please contact the Air Resources Board's ADA Coordinator at (916) 322-4505, TDD (916) 324-9531, or (800) 700-8326 for TDD calls from outside the Sacramento area.

Further inquiries regarding this matter should be directed to Dean Simeroth, Chief of the Criteria Pollutants Branch in the Stationary Source Division, at (916) 322-6020.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulatory action are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17501), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In preparing the regulatory proposal, the staff has considered the potential economic impacts on California business enterprises and individuals. The proposed action would maintain or improve the current availability of complying LPG for vehicular use. Therefore, it should have no adverse economic effects on users of vehicular LPG. For producers and marketers of vehicular LPG having a propene content between five and ten percent, the proposed amendment would avoid potential costs arising from the need to either find other markets for this product or reduce the propene content of the LPG. Producers and marketers of LPG having a propene content of five percent or less could forego higher prices that might occur because of supply restrictions if the five-percent limit on propene takes effect. However, there is no evidence to predict such a result.

For the above reasons, the proposed amendments are not expected to have a significant adverse economic impact on large or small businesses, including the ability of California businesses to compete with businesses in other states, or on directly affected private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action should not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

Before taking action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Clerk of the Board, Air Resources Board, Post Office Box 2815, Sacramento, California 95812, no later than 12:00 noon, December 9, 1998, or received by the Clerk of the Board at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 43013, 43018, and 43101, Health and Safety Code, and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This regulatory action is proposed to implement, interpret, and make specific sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43016, 43018, 43021, and 43101, Health and Safety Code, and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Michael P. Kenny
Executive Officer

Date: October 13, 1998